

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**P.S. PRODUCTS, INC. and
BILLY PENNINGTON, Individually**

PLAINTIFFS

v.

Case No. 4:13-cv-00342 KGB

**ACTIVISION BLIZZARD, INC.,
ACTIVISION PUBLISHING, INC., and
TREYARCH CORPORATION**


DEFENDANTS

ORDER

Before the Court is defendants' motion to dismiss for failure to state a claim (Dkt. No. 7) and plaintiffs' motion for leave to file an amended complaint (Dkt. No. 10). Plaintiffs filed a response in opposition to defendants' motion to dismiss for failure to state a claim (Dkt. No. 12). Defendants filed a reply to plaintiffs' response (Dkt. No. 16).

Defendants also filed a response to plaintiffs' motion for leave to file an amended complaint in which they do not oppose plaintiffs' motion (Dkt. No. 17). For good cause shown, plaintiffs' motion for leave to file an amended complaint is granted (Dkt. No. 10). Plaintiffs shall have up to and including September 13, 2013, to file their amended complaint. Defendants' motion to dismiss for failure to state a claim is denied at this time as moot (Dkt. No. 7). If they deem it prudent, defendants may renew their, or file another, motion to dismiss after plaintiffs file their amended complaint.

SO ORDERED this the 30th day of August, 2013.



Kristine G. Baker
United States District Judge